IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6935 OF 2003

Shri Rajendra Gajanan More..... .. Petitioner.

Versus

Adarsh Education Society & Ors. .... Respondents.

Mr. S. V. Pitre for the Petitioner.

Mr. Machindra Patil for Respondent No.2.

Mr. M.H.Solkar, AGP for Respondent Nos.3 & 4.

CORAM : S. A. BOBDE, J.

DATED : JANUARY 14, 2005.

P.C.:

The petitioner challenges the order dated 15th January, 2003 passed by the School Tribunal, Pune Region, Pune in Appeal No. 84 of 2001.

2. The petitioner preferred an appeal to the School Tribunal claiming that he had suffered a reduction in rank in that his scale of pay which he was receiving was reduced from the B.Ed scale to D.Ed. scale. The Tribunal went into the matter and came to the conclusion that the petitioner was appointed in the D.Ed. scale and was entitled to draw Rs.1200/- plus

D. A. It held that since there was no order increasing his pay scale to Rs.1400 - Rs.2600 i.e. B.Ed. scale, he cannot be held entitled to that scale. The Tribunal therefore held, and in my view rightly, that there is no reduction in rank and therefore dismissed the appeal.

3. Mr. Pitre, learned Counsel for the petitioner, however, points out that the Tribunal has made observation to the effect that one Hendre is senior to the petitioner. This according to the petitioner is not a fact and is in any case the matter required to be decided by the Education Officer under Rule 12 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981. Undisputedly, the petitioner was not given any notice of any proceedings before the Education Officer in which he was held to be junior to said Hendre. This would not be in accordance with law. Mr. Pitre, learned Counsel further pointed out that a representation dated 13th December, 2001 regarding petitioner's seniority is pending before the Education Officer, which has not yet been decided. This representation pertains to the inter se seniority of the petitioner viz-a-viz Hendre. Mr. Solkar, learned Asstt. Government Pleader, fairly states that the Education

Officer will decide the said representation after giving due notice to the concerned parties. The Education Officer is, accordingly, hereby directed to decide the representation of the petitioner within a period of eight weeks from today after due notice to all concerned and in accordance with law.

4. In the result, the writ petition is dismissed with the aforesaid directions.

Sd/-

S. A. BOBDE, J.